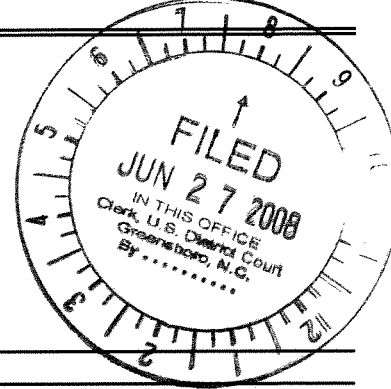


UNITED STATES DISTRICT COURT

for the

Middle District of North Carolina



United States of America)

v.)

KAVIN ALLEN GALLOWAY)

Case No: 1:01CR51-1

USM 20683-057

Date of Previous Judgment: August 8, 2001)

Thomas N. Cochran, Assistant Federal Public Defender

) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 110 months on Count One is reduced to 88 months but not less than Time served, Order stayed for ten (10) days.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level:	<u>29</u>	Amended Offense Level:	<u>27</u>
Criminal History Category:	<u>III</u>	Criminal History Category:	<u>III</u>
Previous Guideline Range:	<u>108 to 135 months</u>	Amended Guideline Range:	<u>87 to 108 months</u>

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

III. ADDITIONAL COMMENTS

The recalculation is made with the consent of the Government and the defendant. In determining whether and to what extent to allow the reduction, as set out in the Sentencing Guideline 1B1.10, the Court has considered the applicable Sentencing Guidelines, the sentencing factors contained in 18 U.S.C. § 3553(a), the nature and seriousness of the danger to any person or community posed by the reduction, and the post-sentencing conduct of the defendant, particularly in light of the consent of the parties.

Except as provided above, all provisions of the judgment dated August 8, 2001 shall remain in effect.

IT IS SO ORDERED.

Order Date: 6/27/2008

[Signature]
Judge's signature

Effective Date: 7/07/2008
(if different from order date)

James A. Beaty, Jr., Chief United States District Judge
Printed name and title